

**FILED**

**JAN 12 2018**

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

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Your Name: Boanerge Mendez  
Address: 960 Torero Plz Campbell CA 95008  
Phone Number: (415) 724-3464  
Fax Number: \_\_\_\_\_  
E-mail Address: bomendez05@gmail.com

Pro Se

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Division *[check one]*: ☐ San Francisco ☐ Oakland ☒ San Jose ☐ Eureka

Stellar Records, LLC

Case Number: 5:17-cv-4423-BLF

Plaintiff,

*[Check box for party submitting statement]:*

vs.

☐ Plaintiff's ☒ Defendant's

Boanerge Mendez

**CASE MANAGEMENT STATEMENT**

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

JUDGE: Hon. \_\_\_\_\_

Defendant.

*[See the Instructions for more detailed information about how to complete this template.]*

# 1. JURISDICTION

Mark the option that applies to your case.

This Court has subject matter jurisdiction in this case under:

☒ Federal question jurisdiction because it is about federal laws or rights. [List the laws or rights involved] This claim is pursuant to 17 U.S.C. §501. Pursuant to 28 U.S.C. and §1331 and §1338, since this claim is under the United States' laws.

☐ Diversity jurisdiction because none of the Plaintiffs live in the same state as any of the Defendants AND the amount of damages is more than \$75,000.

## 2. SERVICE

Complete the table to show when each defendant was served with the Complaint and whether any defendant will argue that this Court is not the correct one to decide this case.

Defendant's Name	Date Served or Expected to Serve	Does Defendant dispute that the Court has personal jurisdiction?	Does Defendant dispute that this is the correct venue?
Boanerge Mendez	August 28th, 2017	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

☐ Check box if there are more defendants, and provide the above information for each defendant on an additional page at the end of this document.

## 3. FACTS

Give a short description of the important facts in this case including facts that you and the other side disagree about. Add an additional page if needed.

The Plaintiff, Stellar Records LLC, owns approximately 950 copyrights for karaoke sound recordings. The Plaintiff alleges that, the Defendant, through websites and on-line ads, has sold one or more hard drives containing illicit copies of 380 of the Plaintiff's copyright protected recordings. The plaintiff has started this suit against the Defendant for copyright infringement.

Please see page 10 for more information.

1 **4. LEGAL ISSUES**

2 *Briefly explain the laws the Plaintiff says the Defendant violated.*

3 1. Whether the Defendant is liable for copyright infringement.

4 2. Whether Defendant is liable for contributory copyright infringement.

5 3. Whether plaintiff is entitled to any monetary conjunctive relief.

12 **5. MOTIONS**

13 *Complete the table to list any motions that have been filed or might be filed.*

Party filing motion	Type of Motion	Date of Ruling (or "pending" or "to be filed")
Plaintiff	To admit its attorney pro hac vice	August 8th, 2017

18 ☐ Check box if there are more motions and add a page at the end with additional information.

19 **6. AMENDING THE COMPLAINT, ANSWER, COUNTERCLAIM/CROSSCLAIM**

20 *Mark one option to tell the Court whether you plan to change your claims or defenses.*

21 • The submitting party [name] \_\_\_\_\_

22 ☒ does not plan to amend the Complaint.

23 ☐ plans to amend the Complaint by [date] \_\_\_\_\_

24 ☐ Check box if you need to list more parties, and provide the above information for each party  
25 on an additional page at the end of this document.

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**7. EVIDENCE PRESERVATION**

*Parties to a lawsuit must make sure that they are protecting and not destroying evidence that might be used in the case. Check the correct box or boxes.*

- The submitting party [name] Boanerge Mendez has

☒ reviewed the Guidelines for the Discovery of Electronically Stored Information

☐ spoken with the opposing parties about preserving evidence relevant to the issues one could reasonably understand to be part of this case

☐ plans to do the above by [date] \_\_\_\_\_

☐ Check if you need to list more parties, and provide the above information for each party on an additional page at the end of this document.

**8. INITIAL DISCLOSURES**

*Initial Disclosures are lists of information that the parties must send each other at the beginning of a case. Check the box that applies, and provide the agreed date if needed.*

☒ Parties have sent each other Initial Disclosures.

☐ Parties have not yet sent each other Initial Disclosures, but agree to exchange them by [date] \_\_\_\_\_

**9. DISCOVERY**

*Give a short description of what you plan to investigate during discovery and if there are any discovery issues.*

At the moment, this may not be applicable.

**10. CLASS ACTIONS**

Not applicable.

11. **RELATED CASES**

Check the correct box to explain whether you are aware of any cases related to this one. If you check the second box, list the case number and the court, government agency, or other administrative body that will decide that case.

The party submitting this statement

☒ is not aware of any related cases.

☐ is aware of related cases [list cases]: \_\_\_\_\_

12. **RELIEF SOUGHT**

State what the Plaintiff wants from the Defendant, or wants the Court to do, including any amount of money sought and how that amount was calculated. If a Defendant filed a counter or crossclaim, state the same information for the Defendant. Insert a page if needed.

Plaintiff has alleged the Defendant infringed 380 of its copyrights in karaoke sound recordings. According to the Plaintiff, the actual damages cannot be computed yet, but plans to correct this deficiency as discovery continues. The Plaintiff claims it is entitled to an award of statutory damages. The Plaintiff will also be requesting that it recover its actual attorney fees and costs.

13. **SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION ("ADR")**

Check at least one box in each section. If you need information to help you decide how to resolve the case, explain what that information is.

The parties:

The submitting party agrees to the following form of

☒ have tried to settle the case.

ADR:

☐ have not tried to settle the case.

☒ Settlement conference with a magistrate judge

☐ Mediation

☐ Other \_\_\_\_\_

Information needed: Settlement Conference has been set for January 22nd, 2018.

1                   **14. CONSENT TO HAVE A MAGISTRATE JUDGE HEAR THE CASE**

2                   *Mark one option to let the Court know if you consent to have a magistrate judge hear the case.*

- 3                   • The submitting party [name] Boanerge Mendez

4                   ☐ does consent to a magistrate judge.

5                   ☒ does not consent to a magistrate judge.

6                   ☐ Check box if you need to list more parties, and provide the above information for each party  
7                   on an additional page at the end of this document.

8                   **15. OTHER REFERENCES**

9                   *In unusual cases, the judge may refer a case to another decision-maker. If this is one of  
10                  those cases, cross out "Not Applicable," and write in who should hear this case.*

11                  Not applicable.

12                  **16. NARROWING OF ISSUES, CLAIMS, OR DEFENSES**

13                  *Use this section to explain if issues in this case could be resolved by agreement or by  
14                  written papers submitted by the parties ("motion"). Check the box that applies, and explain.*

15                  ☐ Not applicable.

16                  ☒ Issues that can be resolved by agreement: Settlement amount

17                  ☒ Issues that can be resolved by motion: Settlement amount

18                  **17. EXPEDITED TRIAL PROCEDURE**

19                  *If you have questions about the Court's Expedited Trial Procedure, contact the Legal  
20                  Help Center.*

21                  Not applicable.

22                  **18. SCHEDULING**

23                  *The Court usually fixes the case deadlines. If you want to propose a schedule, you can  
24                  do so below. Be sure you will be in town and able to meet any deadlines proposed.*

25                  ☒ Agree to have Court set deadlines.

26                  ☐ Proposed deadlines:

19. **TRIAL**

*Check the box that applies and estimate how long the trial will last.*

☒

This case will be tried by a jury. The trial is expected to last 2-3 days.

☐

This case will be tried by a judge. The trial is expected to last \_\_\_\_ days.

20. **DISCLOSURE OF NON-PARTY INTERESTED PERSONS OR ENTITIES**

*This Section tells the Court if anyone who is not named as a party in the case will be affected by the outcome. Usually, if you are representing yourself, the answer is "None." If there is an "interested party," cross out "None" and write in the names.*

None.


21. **OTHER MATTERS**

*Use this section to discuss other issues that would assist with the just, speedy, and inexpensive resolution of this case.*

*NOTE: This document should not be longer than ten pages, including any pages you add at the end. Each party submitting this statement must sign and date below.*

Date: January 12th, 2018

Sign Name:



Print Name:

Boanerge Mendez

*Pro se*

1 Use this page if you need additional space for any Section. Be sure to write the Section number.

2 3. Facts

3 The Defendant is appearing as pro-se and has filed an answer denying the  
4 allegations of every paragraph of the Plaintiff's complaint, based on lack of  
5 information or knowledge. The Defendant's attempt to explain why he chose to do this  
6 is the following:

7 I'm a 37 year old veteran who had the privilege to serve in the U.S. Air Force.

8 While serving in the military, I went through some emotionally distressing  
9 experiences that were very difficult for me to cope with. After being discharged from  
10 the military, lingering psychological distress continued to take a toll on me. I found  
11 myself without a job and a future full of uncertainties. It was during this time when I  
12 found someone online selling an external hard drive with karaoke music stored in it and  
13 decided to buy it for myself. Given the situation I was in and the state of mind I was  
14 in during that time of my life, I decided I could also sell karaoke music to others.  
15 Had I been in the right state of mind, this is a decision I would not have taken.

16  
17 7. Evidence Preservation

18 In the past, I have closed some accounts and deleted some emails. For example, I  
19 deleted some emails from my Yahoo email account (mykaraokestore@yahoo.com),  
20 and closed mykaraokestore@yahoo.com (later changed to bomendez06@yahoo.com)  
21 Paypal account.  
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**CERTIFICATE OF SERVICE OF DOCUMENT OTHER THAN COMPLAINT**

*\* You must serve each document you file by sending or delivering to the opposing side. Complete this form, and include it with the document that you file and serve.\**

1. Case Name: Stellar Records, LLC v. Boanerge Mendez

2. Case Number: 5:17-cv-4423-BLF

3. What documents were served? Case Management Statement

4. How was the document served? [check one]

☒ Placed in U.S. Mail

☐ Hand-delivered

☐ Sent for delivery (e.g., FedEx, UPS)

☐ Sent by fax (if the other party has agreed to accept service by fax)

5. Who did you send the document to? [Write the full name and contact information for each person you sent the document.]

Michael T. Hopkins

757 N. Broadway, Suite 201

Milwaukee, WI 53202

6. When were the documents sent? January 12th, 2018

7. Who served the documents? [Whoever puts it into the mail, faxes, delivers or sends for delivery should sign, and print their name and address. You can do this yourself.]

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Signature:



Name:

Boanerge Mendez

Address:

960 Torero Plaza,  
Campbell, CA 95008